IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.851 OF 1999
IN
SUMMARY SUIT NO.196 OF 1999

Fortis Financial Services Ltd. ..Plaintiffs

Vs.

Cymose Synthetics P.Ltd. and Anr. ..Defendants

Mr.V.C.Deshpande i/b Jai Bhatia for the plaintiffs

CORAM : S.U.KAMDAR, J
DATED : 12TH SEPTEMBER, 2005

P.C.:

. The present suit is filed on the basis of two hundis dt.30.12.95 and 3.1.96 which are at Ex.A and B. It is the case of the plaintiffs that under the said two hundis there is an amount outstanding as due and payable with interest of sum of Rs.31,0,909.17. Summons for Judgment is served on the defendants but no reply is filed.The learned counsel is directed to file Affidavit of Service within one week. On the last occasion when the matter came up on board, I asked the plaintiffs to give fresh notice to the advocate for the defendants. Accordingly, notice is given by letter

dt.2.9.05. The said letter with courier acknowledgment is taken on record. One of the advocate for defendant no.2 is served. However, the notice of defendant no.1 has returned back saying that he has shifted. In view thereof, the present Summons for Judgment is required to be made absolute. Decree as prayed. In the aforesaid circumstances, suit is decreed as prayed. Suit is disposed of accordingly. In view of the aforesaid Summons for Judgment also does not survive. The same is disposed of as infructuous. Refund of court fee as per rules.